

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	
<i>FOR THE USE OF CONSTRUCTION</i>	:	
<i>HARDWARE, INC.</i>	:	
	:	CIVIL ACTION
v.	:	
	:	NO. 12-3285
RONALD D. PATTERSON, ET AL.:	:	

ORDER

AND NOW, this 10th day of June, 2014, upon consideration of Plaintiff's Motion for Sanctions (ECF No. 42), and all documents submitted in support thereof and in opposition thereto, it is **ORDERED** that the Motion is **GRANTED** in part and **DENIED** in part as follows:

1. Plaintiff's request for sanctions is **GRANTED**. Judgment is hereby entered in favor of Plaintiff Construction Hardware, Inc. and against Defendants Aeroplate Corp. and Ronald Patterson in the amount of \$253,083.84, plus interest of six percent per annum from February 1, 2012 to the date of this Order, which represents 41.60 per day,¹ plus per diem storage charges of \$90.00 per day from February 2, 2012 to the date of this Order.²

¹ See Plaintiff's Motion for Summary Judgment (ECF No. 31) for an explanation of the calculation of interest. The six percent simple interest rate is used pursuant to Pennsylvania statute. See 41 Pa. Cons. Stat. § 202 (indicating that if a document does not include the interest rate, the applicable rate should be six per cent per annum). February 2, 2012 represents the day that Construction Hardware supplied materials to Defendants and requested payment.

² See Plaintiff's Motion for Summary Judgment for an explanation of the calculation of storage costs.

2. Plaintiff's request for reimbursement of fees and costs associated with the filing of the Motion for Sanctions is **DENIED** without prejudice. Counsel may submit documentation that supports the time spent and costs incurred. After receipt of the proper documentation, the Court will consider Plaintiff's request for fees and costs.

IT IS SO ORDERED.

BY THE COURT:

A handwritten signature in black ink, appearing to read 'R. Surrick', is written over a horizontal line.

R. BARCLAY SURRICK, J.